

**REMARKS**

Before proceeding with the merits of the Office action, Applicant's representative wishes to gratefully acknowledge Examiner Basinger's cooperation in conducting a short interview on April 1, 2005 to discuss the claimed invention and the art cited against the claims in more detail. Examiner Basinger was extremely cooperative and agreed that the amendments proposed herein would warrant additional consideration.

These remarks are submitted in response to the Office Action of January 31, 2005. In the Office Action the Examiner rejected pending claims 1 through 5 and 7 through 25. Claims 12 and 20 were also objected to, and these claims have now been amended in order to address the particular objections. Claims 22 and 23 have been canceled. The limitations present in these claims have been incorporated into pending independent claims 1, 15, and 20. The remainder of this response is intended to address each claim rejection.

The Examiner has maintained rejections of the pending claims as obvious. Particularly the claims were rejected as unpatentable over Broinowski in view of Aschauer, Roos, and Henmi. The Examiner's rejection was based in large part on the contention that it would have been obvious to a person of ordinary skill in the art to construct a waterjet with features that corresponded to the features of the claimed invention, e.g., the clearance between rotor tip and housing, the rotor weight, and other features.

In response, the Applicants have amended independent claims 1, 15, and 20 to recite that the rotor blades are shaped so that the loading from the hub to the tip is uneven. This feature is not disclosed or suggested in any of the cited art. Indeed it is submitted that Broinowski actually teaches away from a structure with uneven loading. More specifically, at col. 7, ll. 9-10, Broinowski teaches that "uneven loading" is to be avoided because it is associated with cavitation.

As documented in Applicants' previous response, Bill Facinelli, an inventor, stated that his design incorporated non-uniform loading, whereas previously engineers would have assumed uniform loading. The inventors did not initially assume uniform loading. Facinelli Affidavit, ¶ 11. Broinowski, thus, is typical of the prior art in teaching that nonuniform loading is not desired. The

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present *claimed* invention, however, differs from the prior art by including nonuniform loading on rotor blades as a feature.

Accordingly, it is respectfully submitted that the Examiner's rejection of the remaining claims has been overcome by the amendments above recited. If there are any fees associated with this Response, they may be charged to Deposit Account 50-2091. Please notify us of the same, referencing reference number H0004341-3112. In view of the preceding remarks, it is urged respectfully that the rejection of the claims be reconsidered and withdrawn, and that the presently submitted claims be allowed to issue. However, if the Examiner believes that any issues remain unresolved, he is invited to telephone the undersigned in order to expedite allowance.

Respectfully submitted

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